

**Record Request 231** (From Staff -- Tr. 17, pp. 3509-3511, 3515):

**Please provide documentation for all of the events that are in Mr. Scholz's affidavit, including the Charlestown incident. Please include any ASRs, FOCs or DLRs. Also include the original forecast for the OC12, the September 19, 1998 forecast, the forecast for the OC48 and any other forecasts. Did Bell Atlantic ask Teligent to reconsider the September 19, 1998 forecast as being sufficient and adequate to its needs?**

**Response:**

1. Most likely because Teligent places such requests either orally or by e-mail, Teligent is unable to locate written evidence of its initial OC 12 order in Massachusetts<sup>1</sup>. Teligent is also unable to locate the initial DS3 forecasts. It is unaware, however, of ever submitting a forecast for 3.5 DS3's, as implied by Bell Atlantic's cross-examination and finds this prospect to be highly unlikely given its business practices and the circumstances at that time.
2. An electronic mail printout (hereinafter, "e-mail") of Teligent's November 23, 1998 trunk forecast, along with relevant spreadsheet pages, is attached as Tab 1. This e-mail also contains Teligent's request that the then-existing OC12 entrance facility be expanded. Tab 2 is a November 30, 1998 internal Teligent e-mail discussing Teligent's requested expansion date and noting that Bell Atlantic was aware that Teligent had orders that could not be filled due to lack of entrance facilities. As discussed in Mr. Scholz's affidavit, the promise made by Bell Atlantic's Vice President for Account Management regarding the mid-January due date was oral, as confirmed by Tab 3.
3. In anticipation of the promised entrance facility upgrade date provided by Bell Atlantic senior management, Teligent placed orders for DS3s against the scheduled upgrade on January 21, 1999. The relevant ASRs, FOCs, and DLRs are located in Tab 4. Teligent's ASR supp practice at the time was to "white out" information on the original ASR that is being changed for the supp, rather than fill out a new ASR. Thus, Teligent is not in possession of an ASR with a January 21, 1999 date.

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<sup>1</sup> The Teligent employee who placed this request with Bell Atlantic no longer works for Teligent.

4. Mr. Noack's statement that Teligent's OC48 entrance facility would be operational on February 15 and that on that date, Teligent could begin placing orders for DS3s is reflected in Tab 5. Mr. Noack's mid-February "clarification" that his February 15

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activation date was dependent on other (internal) deadlines that were not, in fact, firm, and that the OC48 entrance facility probably would not be operational on February 15 – maybe much later, is reflected in Tab 6.

5. Tab 7 is a Teligent e-mail to Bell Atlantic noting that Bell Atlantic was out of the "cards" on Bell Atlantic's equipment dedicated to Teligent's interconnection facilities, asking Mr. Noack to provide a firm order commitment ("FOC") date for their delivery, to which Teligent did not receive a response.
6. An e-mail discussing Bell Atlantic's mid-March, 1999 status report (projecting mid-April for completion) and providing no FOC for the DS3s is attached as Tab 8<sup>2</sup>. Tab 9 is an internal Teligent memorandum relating the facts referenced in paragraph 16 of Mr. Scholz's affidavit, including the new Bell Atlantic OC48 projected completion date of May 7, 1999, almost six months after Teligent submitted its initial request for the OC48 and over two months after Teligent was told it would be delivered.
7. Tab 10 is the e-mail sent by David Visser, Bell Atlantic Project Manager to Teligent in which he states that he would request an expedited delivery based on Teligent's long wait for these facilities, but did not provide a firm projected completion date.
8. Tab 11 is an e-mail describing Bell Atlantic's April 30, 1999 commitment to complete the upgrade by May 12, 1999. Bell Atlantic's confirmation that the OC48 would be operational on May 12 and the associated circuits would be operational by the end of May is discussed in the e-mail at Tab 12. Of course, as noted in Mr. Scholz's affidavit, as events actually transpired, Bell Atlantic only upgraded the capacity to an OC24, capable of handling 24 DS3s, half of what Teligent requested.
9. On May 17, 1999, Bob Nasca of Bell Atlantic (who was designated by Bell Atlantic as Teligent's Account Manager), confirmed that DS3 orders could be placed with a commitment of May 28, 1999 for their completion, as indicated in Tab 13. Teligent placed two ASRs against these new facilities on June 30, 1999. These ASRs and relevant FOCs and DLRs are located in Tab 14. These orders were not supplemented.

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<sup>2</sup> Teligent's previously-submitted affidavit of E. Richard Scholz incorrectly implied that this status report was not given until the March 26 executive meeting. See Response RR-233, ¶ 2.

10. Tab 15 is an e-mail confirming many of the events Mr. Scholz described as taking place in September, 1999. Teligent's September 7, 1999 DS3 ASRs (which were never suppressed) and relevant FOCs and DLRs are located in Tab 16. Bell Atlantic's October 1, 1999 voicemail stating that the second half of the OC mux build-out, equipment delivery would

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occur by November 15<sup>th</sup>, and the shelf would be operational on December 1, 1999 is described in Tab 17.

11. Tab 18 describes Bell Atlantic's early November, no-notice, approximately-midnight attempts to deliver equipment to the Teligent central office.

**Record Request 232 (From Bell Atlantic; Tr. 17, pp. 3524-25):**

**Please provide the DS3 orders that were placed against the OC24 that was delivered on May 14, 1999. Identify the orders by date, PON number, the dates the orders were submitted, whether forecasts for those orders were placed prior to the orders, whether the orders were supplemented or changed, what the committed due date was from BA and what the delivered date was.**

**Response:**

Teligent's trunk forecasts are located in Tab 1<sup>3</sup>. The remainder of the requested information can be found in Tabs 4, 14, and 16. Note the discussion of these ASRs in paras. 3, 9, and 10 of Response RR-231, particularly that regarding the dates on the documents provided.

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See also Response RR-231, paras. 1-2.

**Record Request 233 (From Bell Atlantic, Tr. pp. 3525-28):**

**Was Teligent told by BA in mid-September that the OC24 was at or near capacity? At that time did BA ask permission to work at Teligent's POP? What was the date that BA installed the second shelf of the OC24 in November?**

**Response:**

1. Bell Atlantic did notify Teligent of that the OC24 was at or near capacity. In fact, as stated in Mr. Scholz's affidavit, it was not until this time that Teligent was aware that Bell Atlantic had not completed the full OC48 upgrade in May, as promised (after a number months of other excuses delaying this upgrade date). It is not surprising that Teligent was at or near capacity on the OC24 in mid-September. After all, Teligent requested twice that much capacity in November of 1998.
2. Teligent does not have a record of Bell Atlantic providing a request prior to or notice of its late-night (approximately midnight) appearance at Teligent's 500 Rutherford Avenue, Charlestown switching center on Friday, November 5 and Sunday, November 7.
3. The statements in Mr. Scholz's affidavit as to dates are based on his recollection of events, and have been corroborated by the recollections of Mr. Eugene Currie, Teligent's Central Office Manager<sup>4</sup>. These events occurred the Friday and Sunday evenings preceding the last time in November, 1999 that Teligent's records show Bell Atlantic was on site to work on the OC48.
4. After reviewing its log books, Teligent believes that Bell Atlantic's successful attempt to upgrade the OC24 at 500 Rutherford Avenue was performed the following Tuesday evening into Wednesday morning (i.e., November 9 and November 10, 1999). While this seems to differ from the OC24 acceptance date suggested by Bell Atlantic, it is not contradictory. Bell Atlantic may, indeed, have had additional work to do elsewhere in its network after completing work at its collocation point at 500 Rutherford Avenue, Charlestown.

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<sup>4</sup> Teligent can provide written evidence of the time and nature of these failed delivery attempts, should the Department so desire.

**Record Request 235** (From Bell Atlantic; Tr. 17, pp. 3540-41, 3542-43):

**Has BA grouped together all of the ASRs to force Teligent to negotiate the completion date and the date of the FOC? If this has been a problem for Teligent, then provide the following information for the period June to September, and October or any subsequent month, identify by PON or ASR number the date of the order, the size of the order, whether it was forecasted or nonforecasted, the date of any supplements to the order, the FOC date provided for the associated quarter or supplement, the due date indicated on the FOC (the last FOC) and the delivery date to Teligent, if a CNR is involved then provide the information related to that CNR.**

**Response:**

At this time Teligent is unaware of any such requests in Massachusetts.